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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

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OCT 1 0 2007 Federal Communications Commission Office of the Secretary
Office of the angle Committee
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In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 07-
Table of Allotments,)	RM-
FM Broadcast Stations)	
(Irvington, Kentucky and French Lick,)	
Indiana))	

To: Marlene H. Dortch, Secretary, Federal Communications Commission To the Attention of Chief, Media Bureau

PETITION FOR RULEMAKING

L. Dean Spencer, pursuant to Section 1.401(a) and 1.420 of the Commission's rules, by his attorneys, respectfully requests that Section 73.202(b) of the Commission's rules, the FM Table of Allotments be amended as follows:

Community	Existing	Proposed
Irvington, KY		261A ¹
French Lick, IN	261A	$229A^2$

In support thereof, the following is submitted:

The city of Irvington, Kentucky is deserving of the allotment of Channel 261A as its first local transmission service. Irvington, in Breckinridge County, has a population of 1,257 persons (Source: 2000 U.S. Census). The city was founded in 1888 by the

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¹ The proposed reference coordinates of Channel 261A at Irvington, Kentucky are 37° 56' 52" North Latitude, 86° 24' 54" West Longitude.

² WFLQ(FM) is currently licensed to FM Channel 261A at French Lick, Indiana. A substitution of channels from Channel 261A to Channel 229A is requested at the licensed transmitter site of WFLQ(FM) which is located at 38° 35' 41" North Latitude, 86° 36' 48" West Longitude.

railroad engineer Eugene Cornwall. Mr. Cornwall named the city for his hometown in New York state.³

The city of Irvington has a City Hall consisting of the Mayor, City

Clerk/Treasurer, Assistant City Clerk, City Attorney, Fire Chief, Police Chief, and

Director of Public Works, and a six-member City Council. *See* Attachment 1. The goals

of Section 307(b) of the Communications Act will be well served by the allotment FM

Channel 261A to Irvington, Kentucky.

In Attachment 2, there is a channel study demonstrating that with the proposed substitution at French Lick, a fully spaced allotment of Channel 261A may be made to Irvington, Indiana in accord with the required spacings in Section 73.207(b) of the Commission's rules. Also, a circle with a radius of approximately 16.3 kilometers (the nominal predicted coverage contour of a Class A station), is drawn around the proposed reference coordinates for Channel 261A at Irvington, Kentucky, showing that the community boundaries are well within the predicted coverage of a Class A station operating from the proposed referenced coordinates. Finally, there is a channel study demonstrating that the proposed substitution of Channel 229A for Channel 261A at the existing coordinates for WFLQ(FM) is fully spaced pursuant to Section 73.207(b) of the Commission's rules.

Provided that Channel 261A is allotted to Irvington, L. Dean Spencer will pursue his concurrently filed FCC Form 301 Application for Channel 261A at Irvington, Kentucky and if awarded a construction permit, will promptly initiate service at the

³ "Dictionary of Places, Irvington", *Encyclopedia of Kentucky*. Somerset Publishers, New York, New York (1987).

requested facility. It is requested that the Commission issue an "order to show cause" to the licensee of WFLQ, to show cause why its license should not be modified to specify operations on Channel 229A in lieu of Channel 261A. The requested substitution of Channel 229A for Channel 261A at French Lick, and the modification of the WFLQ license to specify operations to serve French Lick, would serve the pubic interest by enabling the allotment of Channel 261A to Irvington. L. Dean Spencer, provided his construction permit application is granted, certifies that he will reimburse the WFLQ licensee for its reasonable expenses in changing channels pursuant to the Commission's guidelines set forth in *Circleville, Ohio*, 8 FCC 2d 159 (1967).

⁴ See FCC File No. BNPH-20071010ACC. Consistent with the Commission's new allotment procedures in Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, Report and Order, 21 FCC Rcd 14212 (2006), L. Dean Spencer has filed an FCC Form 301 new station application for Channel 261A at Irvington, Kentucky, and submitted the required FCC filing fee.

⁵ See Coleman, Sebewains and Tuscola, Michigan, 11 FCC Rcd 11286 (1996) ("...substitution of an existing station channel at one community serves the public interest where the substitution permits the provision of new or expanded service at another community.").

Accordingly, L. Dean Spencer respectfully requests that the Commission institute a notice and comment rulemaking proceeding proposing the allotment of Channel 261A to Irvington, Kentucky, and the substitution of Channel 229A for Channel 261A at French Lick, Indiana.

Respectfully submitted,

L. DEAN SPENCER

By:

John F. Garzigli

His Attorney

Womble Carlyle Sandridge & Rice, PLLC

1401 I Street, NW Seventh Floor Washington, DC 20005 (202) 857-4455

October 10, 2007

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Attachment 1

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Mont Directory

Mind Directory



Mayor Ricky Lucas

City of Irvington PO Box 374 Irvington, KY 40146

Phone: 270-547-3835 **Fax:** 270-547-3839

E-Mail: mayor@irvingtonky.org **Web Site:** www.irvingtonky.org

270-547-3835

Irvington is a northeastern Breckinridge County town near the border with Meade County. It was established as a station on the Louisville/St. Louis/Texas Railroad in 1888, and named for Irvington, New York; the home of the railroad's chief engineer. A post office opened at the site in 1885 as Merino; named for the nearby Mt. Merino Seminary, and was renamed Irvington in 1888. The population in 2004 was 1,302.

City Hall

Fire Chief

 Mayor
 Ricky Lucas
 270-547-3835

 City Clerk/Treasurer
 Lisa Ballman
 270-547-3835

 Assistant City Clerk
 Shannon Carman
 270-547-3835

 City Attorney
 Charles Mattingly
 270-756-6242

 223 South Main
 223 South Main

Hardinsburg, KY 40143

Robert W. Fegenbush Route 1, Box 38

Police Chief Jerry Cundiff 270-547-3835
Public Works Chris Lucas 270-547-3113

City Council

Yvonne L. Kennedy 270-547-3896 PO Box 101

Irvington, KY 40146

Irvington, KY 40146

Becky Brown 270-547-7122 209 W. Caroline Street

Potty Vinnigan

Betty Kinnison 270-547-2954

Betty Kinnison 301 Kentucky Street Irvington, KY 40146

Bruce Basham 270-547-6001 105 N. Meadow Drive

Irvington, KY 40146

Beth Morris 270-547-5250 503 Oak Street

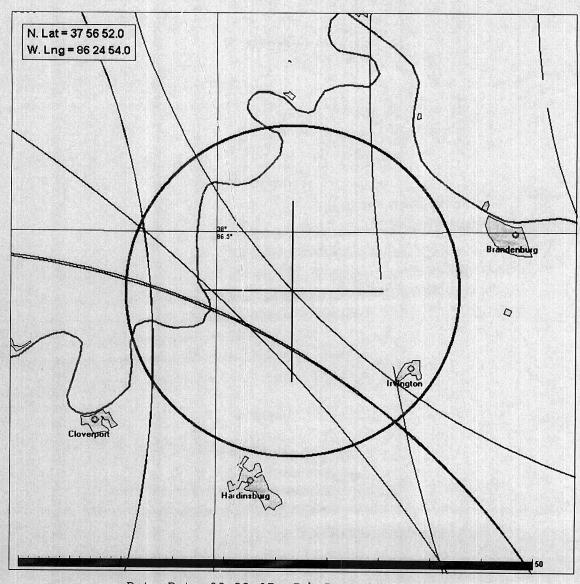
503 Oak Street Irvington, KY 40146

Mary Masterson 270-547-7203

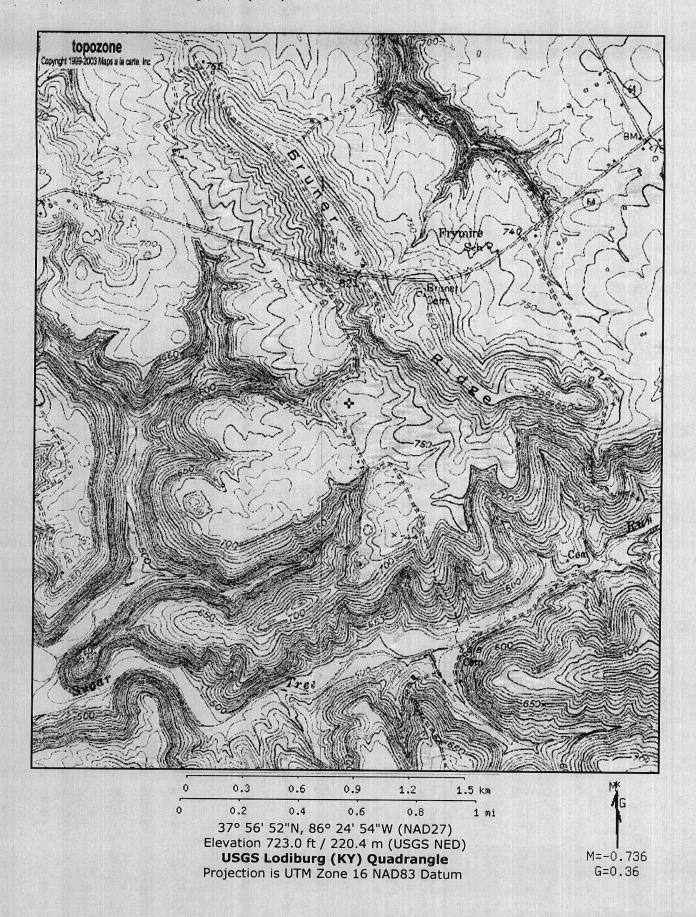
200 E. Walnut Irvington, KY 40146

Attachment 2

CH 261 A 100.1 MHz IRVINGTON 261A REFERENCE POINT CHANNEL STUDY



		Data	a Date:09-22-07	Job Date:09-23-07				
Call	CH#	Туре	Location		Azi	D-KM	FCC	Margin
WFLQ	261A	LIC	French Lick	IN	346.5	73.87	114.5	-40.63
WDJX	259B	LIC	Louisville	KY	47.2	68.53	68.5	0.03
RDEL	258C	DEL	Henderson	KY	266.1	99.26	94.5	4.76
RADD	260A	ADD	Mchenry	KY	208.0	76.42	71.5	4.92
AP0079	260A	APP	Mchenry	KY	208.0	76.42	71.5	4.92
RS0278	260A	RSV	Mchenry	KY	208.0	76.42	71.5	4.92
WXMZ.A	260A	APP	Hartford	KY	207.9	76.59	71.5	5.09
WXMZ	260A	RSV	Hartford	KY	207.9	76.59	71.5	5.09
WVVR	262C0	LIC	Hopkinsville	KY	225.4	156.97	151.5	5.47
WKQQ	261C2	LIC N	Winchester	KY	82.9	174.16	165.5	8.66
RADD	258C0	ADD	Henderson	KY	266.1	99.26	85.5	13.76
WKDQ	258C0	LIC	Henderson	KY	266.1	99.29	85.5	13.79
WLUE	263C2	LIC N	Louisville	KY	70.6	82.97	54.5	28.47
WKLX	264C3	LIC N	Brownsville	KY	174.9	88.36	41.5	46.86
WVLC	260C3	LIC	Mannsville	KY	128.4	138.56	88.5	50.06
WFPL	207B	LIC	Louisville	KY	47.1	68.46	14.5	53.96
WKPB	208C2	LIC	Henderson	KY	262.7	81.06	14.5	66.56



WFLQ 229A SUBSTITUTION

REFERENCE 38 35 41.0 N. 86 36 48.0 W.

CLASS = A Current Spacings DISPLAY DATES
DATA 09-28-07
SEARCH 10-01-07

------ Channel 229 - 93.7 MHz -----

Call	Channel	:1	Location		Azi	Dist	FCC	Margin
WQKC WPHZ.A WPHZ.A WMMG-FM AL9876 WQKC.C RADD AL7989	LIC-Z 22 RSV 22 APP 22 LIC 22 RSV 23 CP 23 ADD 23		Seymour Mitchell Mitchell Brandenburg Sellersburg Sellersburg Oolitic Grayville	IN IN IN KY IN IN IN	42.5 71.0 71.0 149.4 113.7 116.6 358.1	57.11 14.75 14.75 78.61 82.24 83.61 43.65	177.5 114.5 114.5 71.5 71.5 71.5 30.5	-120.39 -99.75 -99.75 7.11 10.74 12.11 13.15
RADD AL5199 WLFW RADD AP0237 RS0966 WULF	ADD 22 VAC 22 LIC-D 22 ADD 23 APP 23 RSV 23	29A 28A 28A 31A 31A 31A 32C2	Clinton Columbus Chandler Worthington Worthington Worthington Hardinsburg	IN IN IN IN IN IN	259.0 325.3 45.9 226.1 330.2 330.2 359.3	128.81 129.69 89.40 91.09 53.02 53.02 53.02 85.77	114.5 114.5 71.5 71.5 30.5 30.5 30.5 54.5	14.31 15.19 17.90 19.59 22.52 22.52 22.52 31.27

CERTIFICATE OF SERVICE

I, John F. Garziglia, hereby certify that on this 10th day of October, 2007, a copy of the foregoing "Petition For Rulemaking" was sent via U.S. Mail, postage prepaid, to the following:

William G. Willis Willtronics Broadcasting P.O. Box 100 French Lick, IN 47432 (Licensee of WFLQ, French Lick, IN)

John F. Garziglia